

Senate Study Bill 1152 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act permitting electronic voter registration and including
2 penalties and effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2015, is amended to read as follows:

3 (2) Falsely swears to an oath required pursuant to section
4 48A.7A or section 48A.8A.

5 Sec. 2. NEW SECTION. **48A.8A Electronic registration.**

6 1. An eligible elector may apply to register to vote
7 by electronic means by completing and submitting an
8 electronic voter registration form provided through the
9 state commissioner's internet site. Each commissioner of
10 registration's internet site shall provide an electronic
11 link to the electronic voter registration form on the state
12 commissioner's internet site provided under this subsection.

13 2. Each internet site described in this section and the
14 electronic voter registration form provided through the state
15 commissioner's internet site shall meet the requirements of 29
16 U.S.C. §794d and 42 U.S.C. §12131 et seq. to ensure access to
17 and usability for eligible electors with disabilities. The
18 state commissioner shall consult with accessibility experts
19 in developing the electronic voter registration form provided
20 under this section. The state commissioner shall present the
21 electronic voter registration form and the state commissioner's
22 internet site to the clinical law program for disability law at
23 the university of Iowa to verify conformity of those electronic
24 materials with the requirements of this subsection.

25 3. An electronic voter registration form completed pursuant
26 to this section shall require that a registrant:

27 a. Provide the information and attestation required pursuant
28 to section 48A.11.

29 b. Have an Iowa driver's license number, an Iowa
30 nonoperator's identification card number, a social security
31 number, or a unique identifying number assigned pursuant to
32 section 48A.11, subsection 8, and to provide at least one
33 identification number included in this paragraph.

34 c. Attest to a statement that lists each eligibility
35 requirement and affirm that the registrant meets all of the

1 requirements.

2 *d.* Affirmatively authorize the state commissioner to use
3 the registrant's signature obtained from the department of
4 transportation, from a voter registration agency, or from a
5 commissioner of registration for voter registration purposes.

6 *e.* Upon receipt of an application under this section, the
7 state commissioner shall verify that the Iowa driver's license
8 number, Iowa nonoperator's identification card number, last
9 four numerals of the registrant's social security number, or
10 the unique identifying number, and date of birth provided by
11 the registrant match the information contained in department
12 of transportation records, the records of a voter registration
13 agency, or in commissioner of registration records.

14 *f.* If an applicant is not yet registered to vote in the
15 precinct of the applicant's residence and submits an electronic
16 voter registration form after the voter registration deadline
17 under section 48A.9, the state commissioner shall, immediately
18 following the submission, provide the registrant with notice
19 through the state commissioner's internet site of election day
20 and in-person absentee registration procedures under section
21 48A.7A. If the state commissioner is required to provide
22 notice under this paragraph, the state commissioner shall also
23 send a notice by mail advising the applicant of election day
24 and in-person absentee registration procedures under section
25 48A.7A.

26 *g.* The electronic registration form developed by the state
27 commissioner shall provide an applicant with the ability to
28 print the form for completion and submission to the appropriate
29 commissioner of registration.

30 4. *a.* The department of transportation shall, upon request,
31 provide to the state commissioner a copy of the registrant's
32 signature in electronic format if the registrant's signature is
33 on record with the department of transportation.

34 *b.* A voter registration agency shall, upon request, provide
35 to the state commissioner a copy of the registrant's signature

1 in electronic format if the registrant's signature is on record
2 with that agency.

3 c. A commissioner of registration shall, upon request,
4 provide to the state commissioner a copy of the registrant's
5 signature in electronic format if the registrant's signature is
6 accepted and on record with the commissioner of registration
7 pursuant to section 48A.13.

8 5. a. The state commissioner shall transmit to the
9 appropriate commissioner of registration a registrant's
10 completed voter registration form and electronic signature not
11 later than five business days after the date of electronic
12 submission of the form by the registrant or by the next
13 applicable voter registration deadline under section 48A.9,
14 whichever is earlier.

15 b. The state commissioner shall notify the registrant by
16 mail within five business days if a copy of the registrant's
17 signature cannot be obtained by the state commissioner
18 in electronic format pursuant to subsection 4. The state
19 commissioner shall include a voter registration form with the
20 notice.

21 6. An electronic voter registration form completed under
22 this section shall be accompanied by the following statement
23 featured prominently on the internet site in boldface capital
24 letters prior to submission of the form:

25 WARNING: I UNDERSTAND THAT ANY FALSE STATEMENT IN THIS OATH
26 IS A CLASS "D" FELONY PUNISHABLE BY NO MORE THAN FIVE YEARS IN
27 CONFINEMENT AND A FINE OF AT LEAST SEVEN HUNDRED FIFTY DOLLARS
28 BUT NOT MORE THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS.

29 7. An eligible elector who registers pursuant to this
30 section and who has not previously voted in an election for
31 federal office in the county of registration shall be treated
32 as a registrant by mail and is subject to the provisions of
33 section 48A.8, subsections 2 through 4.

34 8. For the purposes of this section:

35 a. "*State commissioner*" means the state commissioner of

1 elections.

2 *b. "Voter registration agency"* means a voter registration
3 agency under section 48A.19 or voter registration agencies
4 designated by another state pursuant to 42 U.S.C. §1973gg-1.

5 Sec. 3. Section 48A.13, Code 2015, is amended to read as
6 follows:

7 **48A.13 Electronic signatures on voter registration records.**

8 Electronic signatures shall be accepted. ~~However,~~
9 ~~before the use of electronic signatures is accepted on voter~~
10 ~~registration forms, the state voter registration commission~~
11 ~~shall prescribe by rule the technological requirements~~
12 ~~for guaranteeing the security and integrity of electronic~~
13 ~~signatures.~~ Digitally typed signatures by the registrant
14 by typing the registrant's name and current date and by
15 the selection of a checkbox verifying the truthfulness and
16 legitimacy of the typed name as an indication of agreement
17 and acknowledgement shall be accepted. The state voter
18 registration commission may prescribe by rule additional means
19 of providing an electronic signature on voter registration
20 forms.

21 Sec. 4. Section 48A.27, subsection 1, Code 2015, is amended
22 to read as follows:

23 1. Any voter registration form received by any voter
24 registration agency, driver's license station, including
25 county treasurer's offices participating in county issuance of
26 driver's licenses under chapter 321M, the state commissioner
27 of elections pursuant to section 48A.8A, or the commissioner
28 shall be considered as updating the registrant's previous
29 registration.

30 Sec. 5. Section 48A.27, subsection 2, paragraph a, Code
31 2015, is amended by adding the following new subparagraph:

32 NEW SUBPARAGRAPH. (6) A voter registration form submitted
33 as provided in section 48A.8A.

34 Sec. 6. EFFECTIVE DATE. This Act takes effect January 1,
35 2016.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill permits electronic voter registration, electronic
5 updating of voter registration information, and electronic
6 correction of voter registration information from the state
7 commissioner of elections' internet site.

8 The bill allows an eligible elector to apply to register to
9 vote or allows a registered voter to update or correct voter
10 registration information by electronic means by completing and
11 submitting an electronic voter registration form provided on
12 the internet site for the secretary of state, serving as the
13 state commissioner of elections.

14 The bill requires that an electronic voter registration
15 form provide space for all the information that is currently
16 required on printed voter registration forms. The bill also
17 requires that a registrant seeking to use the electronic voter
18 registration form have an Iowa driver's license number, Iowa
19 nonoperator's identification card number, a social security
20 number, or a unique identifying number assigned to the
21 registrant for voter registration purposes and to provide one
22 such identifying number in order to submit the electronic voter
23 registration form.

24 The bill requires that a registrant attest to a statement
25 that lists each voter registration eligibility requirement,
26 that the registrant meets all of the requirements, and requires
27 the electronic signature of the registrant as described in the
28 bill.

29 The bill requires that the registrant authorize the state
30 commissioner of elections to use the applicant's signature
31 obtained from the department of transportation, a designated
32 voter registration agency of this or another state, or a
33 commissioner of registration for voter registration purposes.

34 The state commissioner of elections is required to notify a
35 registrant by mail within five business days if a copy of the

1 registrant's signature cannot be obtained and is required to
2 include a voter registration form with that notice.

3 The bill requires that the state commissioner of
4 elections verify that the Iowa driver's license number, Iowa
5 nonoperator's identification card number, last four numerals of
6 the registrant's social security number, or unique identifying
7 number, and date of birth provided by the registrant match
8 the information contained in department of transportation
9 records or in commissioner of registration records. The bill
10 requires the state commissioner of elections to transmit to
11 the appropriate commissioner of registration a registrant's
12 completed voter registration application and electronic
13 signature not later than five business days after the date of
14 submission of the application and signature or by the next
15 applicable voter registration deadline, whichever is earlier.

16 The bill requires that the electronic registration form be
17 accompanied by a statement featured prominently in boldface
18 capital letters informing the registrant of the penalty
19 for providing false information on a voter registration
20 application.

21 The bill also requires that an electronic voter registration
22 registrant who has not previously voted in an election for
23 federal office in the county of registration must follow the
24 voting requirements of Code section 48A.8 for registrants
25 submitting applications by mail under current law and who
26 have not previously voted in an election for federal office
27 in the county of registration. Code section 48A.8 requires
28 that a mail registrant who has not previously voted in an
29 election for federal office in the county of registration is
30 required to provide identification documents when voting for
31 the first time in the county, unless the registrant provided on
32 the registration form the registrant's Iowa driver's license
33 number, the registrant's Iowa nonoperator's identification
34 card number, or the last four numerals of the registrant's
35 social security number and such information provided matches

1 an existing state or federal identification record with the
2 same number, name, and date of birth. Code section 48A.8
3 also provides that a registrant who votes in person at the
4 polls or by absentee ballot at the commissioner's office
5 or at a satellite voting station shall provide a form of
6 identification specified in that Code section. Code section
7 48A.8 also requires that if a registrant is voting for the
8 first time following mail registration and votes an absentee
9 ballot by mail, the registrant shall provide a photocopy of the
10 identification document when returning the absentee ballot.
11 Code section 48A.8 also allows a registrant voting in person
12 for the first time following submission of a registration form
13 by mail to vote a provisional ballot if the voter does not
14 provide the required identification documents.

15 The bill provides that the crime of voter registration fraud
16 includes fraudulent electronic registration. Registration
17 fraud is a class "D" felony. A class "D" felony is punishable
18 by confinement for no more than five years and a fine of at
19 least \$750 but not more than \$7,500.

20 The bill takes effect January 1, 2016.